

PUBLIC NOTICE NO. MT-07-14
September 13, 2007

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a General Permit as described in this notice and to hold a public hearing on the issuance of this permit. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

PERMIT/CATEGORY:	General Permit for Storm Water Discharges Associated with Mining and with Oil and Gas Activities
GEOGRAPHIC REGION:	Statewide
FACILITIES:	Various Mining and Oil and Gas Operations
RECEIVING WATERS:	State Surface Water
PERMIT NUMBER:	MTR300000

This MPDES General Permit authorizes storm water discharges from various types of mining or oil and gas facilities or activities to state surface waters. These storm water discharges may contain pollutants which could cause impairment of receiving waters. The primary requirement in the General Permit pertains to the development and implementation of a Storm Water Pollution Prevention Plan which characterizes the facility and site, identifies potential sources of pollutants, and addresses Best Management Practices to minimize pollutant generation and discharge.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit

Friends of the Wild Swan v. U.S. EPA. et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order, because: 1) the permit does not authorize the discharge of any new or increased pollutant load; 2) facilities are required by state and federal regulation to obtain authorization for these discharges under the National Pollutant Discharge Elimination System (NPDES) program or a delegated state program.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS October 16, 2007.** Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked **PRIOR TO CLOSE OF BUSINESS October 16, 2007** will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Dianne McKittrick at WPBPublicNotices@mt.gov.

A public hearing will be held on the draft wastewater discharge permit, the statement of basis, environmental assessment, and the Department's tentative determination at **1:30 pm, Monday October 15, 2007 in Room 111 (Director's Conference Room), Metcalf Building, 1520 East 6th Ave, Helena MT.**

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

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